**Los Angele_ County Sheriff's _partment**

# Supervisor's Report on Use of Force



## Incident Information

| | | | |
|---|---|---|---|
| URN: 016-07899-0576-053 | Date: 07/12/16 | Time: 1400 | |
| Location: Durfee Avenue at Rosemead Boulevard | City or Station: South El Monte | | |
| Bureau/Station/Facility: East Patrol Division -Temple Station | Admin. Investigation: ○ YES ◉ NO | | |
| Type of Force: Less lethal stun bag | | | |
| Incident Category: ○1 ○2 ◉3 | Deputy Injury: ◉ YES ○ NO | Suspect Injury ◉ YES ○ NO | |
| ☒ Call ☐ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit | | |
| IAB Notified: ◉YES ○ NO | Person Notified: Lt. A. Maldonado | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO |

## Involved Employee

**E1**

| | | | | | | |
|---|---|---|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | Middle I. | Rank Deputy | | |
| Sex: ◉ M ○ F | Race: W | Height: 600 | Weight: 200 | Age: [redacted] | Shift: ○ EM ◉ Day ○ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty |
| Unit of Assignment: PKB | Work Assignment (Unit #, Module, etc.): Unit #833A | | | | | |
| Individual Force Used: Less lethal stun bag | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ◉2 ○3 | | | | |
| ☒ Injured ☐ Treated ☐ Admitted | Facility: Not treated | Coroner Case # | | | | |

**E2**

| | | | | | | |
|---|---|---|---|---|---|---|
| Employee # [redacted] | Last Name Nunez | First Name Joseph | Middle I. | Rank Deputy | | |
| Sex: ◉ M ○ F | Race: H | Height: 509 | Weight: 135 | Age: [redacted] | Shift: ○ EM ◉ Day ○ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty |
| Unit of Assignment: TEM | Work Assignment (Unit #, Module, etc.): Unit #55 | | | | | |
| Individual Force Used: Less lethal stun bag | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ◉3 | | | | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | Coroner Case # | | | | |

**E_**

| | | | | | | |
|---|---|---|---|---|---|---|
| Employee # | Last Name | First Name | Middle I. | Rank | | |
| Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM | ○ Regular Shift ○ OT Shift ○ Off Duty |
| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | | | | | |
| Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ○3 | | | | |
| ☐ Injured ☐ Treated ☐ Admitted | Facility: | Coroner Case # | | | | |

☐ Additional Involved Employees

## On Duty Supervisor

| Emp. # | Last Name | First Name | Middle I. | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Jensen | Jarrod | | Sgt. | YES ○ NO ◉ | YES ○ NO ◉ |

## Supervisor Completing Investigation

| Emp. # | Last Name | First Name | Middle I. | Rank | Present | Witness to Incident |
|---|---|---|---|---|---|---|
| [redacted] | Torres | Benjamin | | Sgt. | YES ○ NO ◉ | YES ○ NO ◉ |

## Watch Commander / Supervising Lieutenant

| Emp. # | Last Name | First Name | Middle I. | Rank |
|---|---|---|---|---|
| | Maldonado | Alebrt | | Lt |

Lt. Albert Maldonado (IAB) [signature] 07/12/16

Watch Commander / Supervising Lieutenant's **Signature**: Date

Copy Provided to Employee by: [redacted] Emp #: 07/12/16 Date

Captain Coronne Jacob

Unit Commander **(Print Name)** Unit Commander's **Signature**: Emp #:

DISCOVERY Use Only
FO# 2407440

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

# S[illegible]ervisor's Report on Use of F[illegible]e
## SUSPECT INFORMATION

0 1 6 - 0 7 8 9 9 - 0 5 7 6 - 0 5 3



**Suspect Information**

S 1

| Last Name | First Name | Middle Name | Armed? Select |
|---|---|---|---|
| Pelayo | Antonio | | Other |

AKA Last Name | First Name | Middle Name

| Sex: | Race: | Age: | Height: | Weight | D.O.B: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C |
|---|---|---|---|---|---|---|---|
| ◉ Male ○ Female | H | 44 | 509 | 245 | 02/14/72 | No Phone | |

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 4720150 | Primary Charge Code: 245(a)(1) PC | Secondary Charge Code: 245(c) PC | ☒ Criminal History

Treated on Scene? ◉ YES ○ NO | Name: LA County Fire | Unit: #90 | Phone #: (626) 444-2581

Hospital Admission? ☐ | Rec'd Treatment At: Greater El Monte Hosp | Coroner Case #: | Mental History ☒ User's guide provides direction on this entry

By: Dr. Wilfr | Address: 1701 Santa Anita, South El Monte, CA | Phone #: (626) 579-7777

Under Influence: ◉ YES ○ NO | Substance: CNS Stimulant | 5150 a factor in force? ◉ YES ○ NO User's guide provides direction on this entry

Date: 07/12/17 | Time: 2100 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☒ ADMITS HEARING ANNOUNCEMENTS

**Suspect Information**

S --

| Last Name | First Name | Middle Name | Armed? Select |
|---|---|---|---|
| | | | |

AKA Last Name | First Name | Middle Name

| Sex: | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C |
|---|---|---|---|---|---|---|---|
| ○ Male ○ Female | | | | | | | |

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

**Suspect Information**

S --

| Last Name | First Name | Middle Name | Armed? Select |
|---|---|---|---|
| | | | |

AKA Last Name | First Name | Middle Name

| Sex: | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C |
|---|---|---|---|---|---|---|---|
| ○ Male ○ Female | | | | | | | |

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

# Supervisor's Report on Use of Force
# EMPLOYEE / NON-EMPLOYEE INFORMATION

016 - 07899 - 0576 - 053



## Employee Witnesses

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Henckel | Thomas | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| TEM | 54K2 | ○ EM (•) Day ○ PM | (•) Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Ramirez | Alejandro | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| PKB | 833E1 | ○ EM (•) Day ○ PM | (•) Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Comparan | Beatriz | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| TEM | 55B3 | ○ EM (•) Day ○ PM | (•) Regular ○ OT ○ Off Duty |

## Non-Employee Witnesses

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | Adult |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | Adult |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

☐ Additional Witness

## Supervisor's Report on Use of Force
## EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

016 - 07899 - 0576 - 053



### Employee Witnesses

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Ibarra | Martin | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| PKB | 833A | ○ EM ◉ Day ○ PM | ◉ Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Jensen | Jarrod | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| PKB | 833S | ○ EM ◉ Day ○ PM | ◉ Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Rivera | Felipe | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| TEM | 55T1 | ○ EM ◉ Day ○ PM | ◉ Regular ○ OT ○ Off Duty |

### Non-Employee Witnesses

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

# Supervisor's Report on Use of Force
## EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

0 1 6 - 0 7 8 9 9 - 0 5 7 6 - 0 5 3



**Employee Witnesses**

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Silva | Ofelia | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| TEM | 55T1 | ○ EM ◉ Day ○ PM | ◉ Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| [redacted] | Garcia | Gerardo | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| PKB | 836O | ○ EM ◉ Day ○ PM | ◉ Regular ○ OT ○ Off Duty |

| Emp. # | Last Name | First Name | Middle Name |
|---|---|---|---|
| | | | |

| Unit of Assignment: | Work Assignment (Unit #, Module, etc.): | Shift: | |
|---|---|---|---|
| | | ○ EM ○ Day ○ PM | ○ Regular ○ OT ○ Off Duty |

**Non-Employee Witnesses**

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

| Last Name | First Name | Middle Name | Age | D.O.B. |
|---|---|---|---|---|
| | | | | |

| Street Address | City | Zip Code | Phone #1 | Phone #2 |
|---|---|---|---|---|
| | | | | |

### Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

| FORCE USED BY | | FORCE USED AGAINST | | Method | Type of Injury | Body Part |
|---|---|---|---|---|---|---|
| Name | E# or S# | Name | E# or S# | (Code) | (Code) | (Code) |
| Pelayo | S1 | [redacted] | E1 | UC | NN | NN |
| Pelayo | S1 | [redacted] | E1 | OB | CP | LE |
| [redacted] | E1 | Pelayo | S1 | ST | BR | CH |
| Pelayo | S1 | [redacted] | E1 | OB | NN | |
| [redacted] | E1 | Pelayo | S1 | ST | BR | GR |
| Pelayo | S1 | Nunez | E2 | OB | NN | |
| Nunez | E2 | Pelayo | S1 | ST | FR | HD |
| Pelayo | S1 | [redacted] | E1 | OB | NN | |
| [redacted] | E1 | Pelayo | E1 | ST | BR | CH |
| Pelayo | S1 | Nunez | E2 | OB | NN | |
| Nunez | E2 | Pelayo | S1 | ST | NN | |
| Pelayo | S1 | [redacted] | E1 | OB | NN | |
| [redacted] | E1 | Pelyao | S1 | ST | BR | LE |
| Pelayo | S1 | Nunez | E2 | OB | NN | |
| Nunez | E2 | Pelayo | S1 | ST | NN | |
| Pelayo | S1 | Nunez | E2 | OB | NN | |
| Nunez | E2 | Pelayo | S1 | ST | NN | |
| | | | | | | |
| | | | | | | |
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# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## INVESTIGATIVE SUMMARY

**INCIDENT:** **Category 3 / Use of force hand fracture**

**IAB FILE NUMBERS:** **FO 2407440**

**URN#:** **016-07899-0576-053**

**DATE/TIME:** **July 12, 2016, 1230 hours**

**LOCATION:** **Durfee Avenue / Rosemead Boulevard, El Monte**

**SYNOPSIS**

On July 12, 2016, an Internal Affairs Bureau (IAB) team comprised of Lieutenant Albert Maldonado, Sergeants Benjamin Torres and Eric Barron, responded to Temple Sheriff's Station in regard to a use of force resulting in a hand fracture.

On July 12, 2016, at approximately 1230 hours, Temple Sheriff's Station and Parks Bureau began receiving 9-1-1 calls. The informants were reporting a male Hispanic approximately 40 years of age, wearing a white shirt and blue jeans (later Identified as Suspect Antonio Pelayo), and throwing large rocks at passing motorists. The informants stated Suspect Pelayo was walking eastbound on Durfee Avenue from Rosemead Boulevard.

Due to the location of the call, both Temple Station and Parks Bureau dispatched units to the location. Deputy [redacted] #[redacted] and Deputy Ibarra #[redacted] a two person Parks Bureau unit, were the first to arrive. They saw the victims parked on the side of the road at Durfee Avenue just east of Rosemead Boulevard. The victims pointed and directed the deputies to Suspect Pelayo, who was walking on Durfee Avenue.

Deputies [redacted] and Ibarra drove toward Suspect Pelayo. They stopped and exited their patrol vehicle approximately 40-50 feet from him. Suspect Pelayo turned toward them, as he held large rocks in each hand. Both deputies yelled verbal commands at Suspect Pelayo, to drop the rocks. Suspect Pelayo cocked his right arm back and threw a rock with high velocity at the deputies. Suspect Pelayo then threw the second rock. Deputy [redacted] requested additional units via radio.

Deputy [redacted] deployed a less lethal stun bag and announced its deployment via his radio. Suspect Pelayo was given several commands to drop the rocks and lay down during the duration of the incident, none of which he adhered to. Suspect Pelayo yelled and screamed incoherent statements toward deputy

personnel. Suspect Pelayo threw a large rock and struck a patrol vehicle. He threw another large rock striking Deputy [redacted] in the right shin.

Temple Station deputies arrived. One of the assisting Temple Station units, was Deputy Nunez, who also deployed his department issued stun bag. Deputy Nunez utilized his patrol vehicle's door as limited cover. Deputy Nunez verbally advised the deployment of the stun bag to the assisting units at the location.

Suspect Pelayo continued to throw rocks in the direction of deputy personnel. One rock came very close to hitting Deputy [redacted] in the head. Suspect Pelayo continued to gather rocks from the side of the road. If deputies attempted to advance toward Suspect Pelayo, he taunted deputies with the motion of throwing a rock. The deputies took cover behind their black and white patrol vehicles.

Based on Suspect Pelayo's actions, Deputy [redacted] announced to Suspect Pelayo and deputy personnel, "Stun bag." Deputy [redacted] fired the stun bag striking Suspect Pelayo in the groin area. The round was ineffective and Suspect Pelayo gathered more rocks. Deputy [redacted] fired a second stun bag round, which struck Suspect Pelayo in the lower body area. The round apparently had no effect on Suspect Pelayo, because he continued to throw rocks.

Deputy Nunez also fired a round from his stun bag. Deputy Nunez saw the round strike Suspect Pelayo in the left hand, which was at his waist area. The round had no effect. Suspect Pelayo continued to gather "softball size" rocks and throw them at deputy personnel. Deputy [redacted] and Deputy Nunez each fired four rounds, for a total of eight rounds fired at Suspect Pelayo. Prior to each round being fired, Deputy [redacted] and Deputy Nunez yelled commands at Suspect Pelayo, which he ignored. After each round discharged, Deputy [redacted] and Deputy Nunez reassessed the effectiveness of the fired stun bag round.

Sergeant Jensen, assigned to Parks Bureau, arrived on scene and coordinated a tactical plan. The plan was to tactically approach Suspect Pelayo utilizing a shield, less lethal, lethal munitions, and an arrest / contact team.

The team consisted of the following deputies:
Fraijo -- Less Lethal / Arrest Team
Ramirez -- Less Lethal / Arwen
Rivera – Shield
Nunez -- Arrest Team
Henckel – Arrest Team
Comparan – Less Lethal / Taser
Silva – Less Lethal / Taser
Sergeant Jensen – Team Leader

All above listed personnel approached Suspect Pelayo and ordered him to drop the rocks in his hands. Suspect Pelayo saw the deputies closing their distance.

He dropped the rocks and laid face down on the pavement. Suspect Pelayo was handcuffed without incident. Suspect Pelayo was immediately treated by the Los Angeles County Fire Paramedics on-scene. He was subsequently taken to Greater El Monte Community Hospital where he was treated for a fracture to his left hand by Dr. Wilfr. Suspect Pelayo was given an okay to book and transported to Temple Sheriff's Station.

All Los Angeles County Sheriff Department Employees provided written supplemental reports and notified their supervisors of their actions during the incident.

Suspect Pelayo threw approximately 20 rocks at deputy personnel during the incident, in addition to the 20 or more rocks thrown at civilian victims prior to the deputies' response. Throughout the duration of the incident, Durfee Avenue between Rosemead Boulevard and Santa Anita Avenue had been closed to all vehicular and pedestrian traffic.

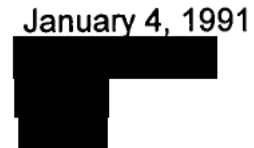
A printout of the call is included, along with the In-Service **[Exhibit A]**. A Sheriff's Department incident report as well as supplemental reports were prepared by the involved personnel and are included with this case **[Exhibit A]**.

> **IAB Note: A voice print of the call, video interview and photographs of the scene are also included in case file [Exhibit B].**

## INVOLVED EMPLOYEE AND WORK HISTORY

**[redacted] - Deputy #[redacted]**
Countywide Services Division Parks Bureau

**Work History**
Date of Employment: January 4, 1991
Date Assigned to PKB: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents [redacted]



**Equipment Worn On Person**

Oleoresin Capsicum (OC) Spray
PR-24 baton

## INVOLVED EMPLOYEE AND WORK HISTORY

**Joseph Nunez- Deputy #[redacted]**
East Patrol Division
Temple Station

**Work History**

Date of Employment: March 07, 2007
Date Assigned to TEM: [redacted]
Prior Shooting Incidents: One
Prior Founded Force Incidents: [redacted]

**Equipment Worn On Person**

Oleoresin Capsicum (OC) Spray
PR-24 baton

**SUSPECT INFORMATION**

**Antonio Pelayo**
Male Hispanic, DOB: February 14, 1972, 5'09", 210 pounds
[redacted]

[redacted]:
[redacted]

**SUSPECT INJURIES**

Suspect Pelayo sustained a distal fracture to his left hand.

**DEPUTY PERSONNEL INJURIES**

Deputy [redacted] sustained redness on his right leg, due to the rock striking him on his leg. He also sustained tearing the tendons in his right arm, which was a result of closing the radio car door as he sought cover. Deputy [redacted] required surgery and is currently on injured on duty status (IOD).

**PHYSICAL EVIDENCE**

Several large rocks.

**INVESTIGATOR'S OBSERVATIONS**

Internal Affairs Bureau Sergeant Ben Torres took photographs of scene.

**WEAPON USED BY DEPUTY PERSONNEL**

Stun bag.

## WEAPONS USED BY SUSPECT PELAYO

Rocks

## PROPERTY DAMAGE BY SUSPECT PELAYO

Several damaged vehicles, as well as damaged to a Los Angeles County Sheriff's patrol vehicle.

## CRIMINAL INVESTIGATORS AND CHARGES FILED

Assault with a deadly weapon (rock), 245(a)(1) PC
Assault with a deadly weapon (rock) on a police officer, 245(c) PC
Possession of a controlled Substance (methamphetamine), 11377 HS
Vandalism to a vehicle, 594(b)(1) PC

## LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by natural sunlight at the location. The weather was clear and warm.

## WITNESS STATEMENTS

## WITNESS DEPUTY THOMAS HENCKEL #[redacted]

On May 2, 2017, Deputy Henckel was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres. The interview was conducted at the Jail Investigative Unit's (JIU) interview room. Following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the transcribed interview.

Deputy Henckel was working in the field and was assigned to Unit 54K2. He, along with additional units, received a call of Suspect Pelayo assaulting people with rocks at the intersection of Durfee Avenue at Rosemead Boulevard. As Deputy Henkel drove to the area, he heard a Parks Bureau deputy request additional units to respond because he was detaining Suspect Pelayo at gun point.

Deputy Henkel arrived at the location and saw deputies attempting to detain Suspect Pelayo at gun point. Deputy Henckel saw Deputy [redacted] holding the stun bag, as Deputy [redacted] was standing near a patrol vehicle. Deputy Henckel saw Suspect Pelayo throwing softball size rocks at deputies and saw a rock hit Deputy [redacted] in the right leg area. Suspect Pelayo continued to throw approximately twenty rocks at deputy personnel. Deputy Henckel estimated he

was approximately twenty to thirty yards from Suspect Pelayo as he threw the rocks.

Deputy Henckel heard Deputy Nunez, who had also arrived at the location, announce he was deploying the stun bag. Deputy Nunez then fired the stun bag at Suspect Pelayo. Deputy personnel continuously gave Suspect Pelayo commands to drop the rocks and lay on the ground. Suspect Pelayo did not comply with any commands and continued to throw rocks as he walked east on Durfee Avenue. Deputy personnel followed Suspect Pelayo in their vehicles and on foot, as he walked.

Deputy Henckel heard and saw Deputy Nunez fire an additional stun bag round at Suspect Pelayo. The round had no effect. Suspect Pelayo continued picking up rocks and throwing them at deputies. From the time Deputy Henckel arrived and exited his vehicle, he estimated the incident lasted for approximately fifteen minutes. Deputy Henckel estimated Suspect Pelayo walked approximately a half mile during the incident.

Sergeant Jensen arrived and a tactical team was formed. Deputy Henckel approached with the team. Suspect Pelayo started to adhere to the deputies commands. Deputies ordered Suspect Pelayo to lay on the ground, which he did, and Suspect Pelayo was handcuffed without incident. Suspect Pelayo was immediately treated by Los Angeles County Fire Department Paramedics, who had been staging near the location.

Deputy Henckel described Suspect Pelayo as standing on the asphalt portion of the street. The sides or the street were unpaved with dirt and rocks on both sides. Deputy Henckel believed Suspect Pelayo was under the influence of a controlled substance, as well as mentally unstable. Deputy Henckel reported the force he witnessed to his supervisor (Sergeant Ronald Miranda #[redacted]) and authored a supplemental report **[EXHIBIT A]**.

## WITNESS DEPUTY ALEJANDRO RAMIREZ #[redacted]

On May 2, 2017, Deputy Ramirez was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted in an interview room at IAB. Following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the transcribed interview.

Deputy Ramirez was working Parks Bureau Unit 833E1. Deputy Ramirez heard a call for service, which was Suspect Pelayo throwing rocks at cars and motorists. Shortly after, Deputy Ramirez heard an assistance request by Parks Bureau 833A (Deputy [redacted] and Deputy Ibarra). He heard them advise units they were attempting to detain Suspect Pelayo, who was now throwing rocks at the deputies on-scene.

Deputy Ramirez and his assigned partner Deputy Fraijo, responded from the East Los Angeles area. He estimated it took them approximately twenty minutes to arrive on-scene. Deputy Ramirez saw Suspect Pelayo standing approximately twenty yards away from him, in the middle of the street as Suspect Pelayo was throwing rocks at the deputies. Deputy Ramirez estimated Suspect Pelayo threw approximately twelve rocks at the deputies from the time he arrived.

Sergeant Jensen arrived on-scene. He had deputy personnel gather at his supervisor vehicle. Sergeant Jensen formulated and discussed a tactical plan. He assigned team members specific responsibilities. After the team was established, they approached Suspect Pelayo and gave him orders to drop the rocks he was holding in each hand. Suspect Pelayo complied and was then ordered to lay on the ground. Suspect Pelayo complied and he was handcuffed without incident. He was treated by the Los Angeles County Fire Department paramedics, who had been staging near the location.

Deputy Ramirez immediately reported his involvement to his supervisor and provided a supplemental report **[EXHIBIT A]**. Deputy Ramirez did not witness the use of the stun bag by either Deputy [redacted] or Deputy Nunez.

## WITNESS DEPUTY BEATRIZ COMPARAN #[redacted]

On May 4, 2017, Deputy Comparan was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted in an interview room at IAB. Following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the transcribed interview.

Deputy Comparan was working Temple Sheriff Station unit 55B3. Via the radio, Deputy Comparan heard an assistance request by a Parks Bureau deputy. She heard the deputy advising units they were attempting to detain Suspect Pelayo, who was throwing large rocks at vehicles. Deputy Comparan responded and was on-scene in approximately three minutes. As soon as Deputy Comparan exited her patrol car, she saw Suspect Pelayo standing in the middle of the street.

Suspect Pelayo then threw two large rocks in her direction. Deputy Comparan had to move to avoid being struck by the rocks. She immediately took cover behind her patrol vehicle. She saw Suspect Pelayo throw approximately seven additional large rocks at a high rate of speed. The rocks were thrown in her direction and traveled over the patrol vehicles.

After Suspect Pelayo had thrown several rocks, Deputy Comparan heard a stun bag being fired. She recalled hearing the stun bag being fired three or four times. Deputy Comparan recalled a few second pause between the firing of

each stun bag round. Deputy Comparan did not know who fired the stun bag, nor did she see a round strike Suspect Pelayo. After the firing of the final stun bag round was fired, she saw Suspect Pelayo in a "defiance stance, and appeared to be reassessing the situation." Deputy Comparan heard Deputy Nunez (via the patrol vehicle's PA), giving Suspect Pelayo orders to drop the rocks he was holding and lay on the ground. Suspect Pelayo did not comply with the orders.

Sergeant Jensen arrived and deputy personnel went to his supervisor vehicle. A tactical plan was formed and assignments were given. Deputy Comparan was assigned less lethal. The tactical team approached Suspect Pelayo and ordered him to drop the rocks he was holding and lay on the ground. When the team was approximately ten feet away from Suspect Pelayo, he complied with the orders. Suspect Pelayo was handcuffed without incident.

Deputy Comparan subsequently accompanied Suspect Pelayo to Greater El Monte Hospital. Deputy Comparan was told by medical staff Suspect Pelayo was struck five times with the stun bag. One round hit his left hand and a second round hit his left forearm. He was also hit on his left thigh, his penis, and his abdomen. Deputy Comparan immediately reported her involvement to her supervisor and provided a supplemental report **[EXHIBIT A]**.

## WITNESS DEPUTY MARTIN IBARRA # [redacted]

On May 4, 2017, Deputy Ibarra was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted in an interview room at IAB. Following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the transcribed interview.

Deputy Ibarra was working Parks Bureau Unit 833A. His assigned partner was Deputy [redacted]. They received a call to Rosemead Boulevard and Durfee Avenue. Suspect Pelayo was throwing rocks at pedestrians and passing vehicles. When they arrived, Deputy Ibarra saw victims of Suspect Pelayo's assault parked near the corner of Durfee Avenue, just east of Rosemead Boulevard. The victims were pointing east on Durfee Avenue, where Suspect Pelayo was walking in the middle of the street.

Deputy Ibarra stopped their patrol vehicle, exited and ordered Suspect Pelayo to drop the rocks. Suspect Pelayo turned away and began to walk east on Durfee Avenue. Suspect Pelayo then turned back and motioned, as if he was going to throw a rock. Deputy Ibarra attempted to detain Suspect Pelayo at gunpoint as Deputy [redacted] requested additional units via radio.

Another patrol vehicle arrived and parked near Deputy Ibarra and Deputy [redacted]. Suspect Pelayo began throwing big rocks in their direction. Suspect

Pelayo continued to throw rocks and hit a patrol vehicle. An additional rock Suspect Pelayo threw, struck Deputy [redacted] in the right shin area (assault on a peace officer). Deputy Ibarra described Suspect Pelayo as combative, assaultive, and unstable. Deputy Ibarra described deputies on-scene, as forming a "scrimmage line" approximately thirty feet from Suspect Pelayo.

Deputy Ibarra and Deputy [redacted] agreed the less lethal stun bag was a viable option. Security Officer Garcia arrived at the location and was blocking traffic and was asked to retrieve the stun bag from Deputy Ibarra's patrol vehicle. Security Officer Garcia retrieved the stun bag and gave it to Deputy [redacted]. Commands were given by several deputies, to Suspect Pelayo to drop the rocks he was holding and lay on the ground. Suspect Pelayo threw another rock and Deputy [redacted] fired a stun bag round at Suspect Pelayo. The stun bag round struck Suspect Pelayo in the groin area.

Suspect Pelayo was unaffected by the stun bag round and continued to throw more rocks. After reassessing, Deputy [redacted] fired three additional stun bag rounds at Suspect Pelayo. After the fourth stun bag round the stun bag shotgun was empty. Deputy Ibarra saw Deputy Nunez step forward and fire a stun bag round at Suspect Pelayo.

Deputy Ibarra recalled the stun bag round fired by Deputy Nunez, struck Suspect Pelayo on the left hand. The impact caused Suspect Pelayo to drop the rock he was holding. Suspect Pelayo shook his hand, as if he felt the pain, but picked up another rock. Suspect Pelayo then threw the rock at them. Deputy Ibarra saw Deputy Nunez fire an additional round at Suspect Pelayo, but believed it struck the ground.

Deputy Ibarra reiterated the involvement with Sergeant Jensen and the tactical plan. Suspect Pelayo was handcuffed without incident after the contact team approached. Deputy Ibarra immediately reported his involvement to his supervisor and provided a supplemental report **[EXHIBIT A]**.

## WITNESS SERGEANT JARROD JENSEN #[redacted]

On May 9, 2017, Sergeant Jensen was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres. The interview was conducted at Parks Bureau's Bonelli Park Station. Following is a summary of the interview, which was digitally recorded. For the complete IAB interview, refer to the transcribed interview.

Sergeant Jensen was working Parks Bureau Unit 833S. He heard the call a male Hispanic, 40 years of age, wearing white shirt and blue jeans, blue hat, was walking south San Gabriel Boulevard (Durfee Avenue) throwing large rocks at passing vehicles. Shortly after the call went out, Sergeant Jensen heard Deputy [redacted] request assistance. Sergeant Jensen responded from Bonelli Park in San Dimas to the location in South El Monte. He recalled his response time was approximately twenty minutes.

When Sergeant Jensen arrived, he saw Deputy Personnel attempting to detain Suspect Pelayo at gunpoint. Suspect Pelayo was standing in the middle street with a large rock in each hand. Suspect Pelayo was holding the rocks "in a throwing position." Sergeant Jensen immediately formulated a tactical plan. He assigned on-scene personnel less lethal weapons and specific assignments within the team. After the tactical plan was established, the team began to approach Suspect Pelayo. At the onset of the teams approach, according to Sergeant Jensen, "Suspect Pelayo knew they were going to take him down."

After orders were given to drop the rocks and lay down, Suspect Pelayo complied. The assigned personnel handcuffed Suspect Pelayo without incident. Upon contact, Sergeant Jensen believed Suspect Pelayo was highly intoxicated or possibly mentally ill. Sergeant Jensen categorized Suspect Pelayo as "assaultive high risk." Sergeant Jensen estimated the entire contact with Suspect Pelayo lasted approximately thirty minutes from the time Deputy [redacted] and Deputy Ibarra contacted him. Sergeant Jensen provided a supplemental report **[EXHIBIT A]**.

**IAB Note: Sergeant Jensen took photographs of rocks Suspect Pelayo threw at deputy personnel [Exhibit B].**

## ADDITIONAL INFORMATION:

The following listed Los Angeles County Sheriff Department Employees witnesses, were on Durfee Avenue east of Rosemead Boulevard. All observed Suspect Pelayo at the location. All witness employees recall Suspect Pelayo throwing rocks at different intervals during their time at the location. Each witness employee provided a supplemental report. None of the below listed witnesses used force during the incident.

## WITNESS DEPUTY FELIPE RIVERA # [redacted]

On May 4, 2017, Deputy Rivera was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted at the IAB office. Representing Deputy Rivera during the interview was Attorney Mitch Kander. For the complete IAB interview, refer to the transcribed interview.

## WITNESS DEPUTY OFELIA SILVA # [redacted]

On May 4, 2017, Deputy Silva was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted at the IAB office. Representing Deputy Silva during the interview was Attorney Mitch Kander. For the complete IAB interview, refer to the transcribed interview.

**WITNESS SECURITY OFFICER GERARDO GARCIA #[redacted]**

On May 8, 2017, Security Officer Garcia was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted at the IAB office. Representing Security Officer during the interview was Attorney Venise Wallace. For the complete IAB interview, refer to the transcribed interview.

**ADDITIONAL INFORMATION:**

The following listed civilian witness were on Durfee Avenue east of Rosemead Boulevard. They were listed victims of Suspect Pelayo's initial assault and called 911. The witnesses were listed in the criminal report **[EXHIBIT A]**. None of the listed witnesses saw the force necessary to subdue and arrest Suspect Pelayo.

**WITNESS[redacted]**

On April 26, 2017, [redacted] was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres. The interview was conducted at [redacted], in the City of [redacted]. For the complete IAB interview, refer to the transcribed interview.

**WITNESS[redacted]**

On May 18, 2017, [redacted] was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres. The interview was conducted via phone from the IAB the office. For the complete IAB interview, refer to the transcribed interview.

**WITNESS[redacted]**

On May 22, 2017, [redacted] was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres. The interview was conducted via phone from the IAB the office. For the complete IAB interview, refer to the transcribed interview.

**INVOLVED EMPLOYEE DEPUTY[redacted]**

On May 11, 2017, Deputy [redacted] was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. Representing Deputy [redacted] during the interview was Attorney Emily Suhr from the law firm of Green and Shinee. The interview was conducted at Parks Bureau's Bonelli Park Station. Following is a summary of the interview. For the complete IAB interview, refer to the transcribed interview.

Deputy [redacted] was working Parks Bureau Unit 833A. His assigned partner was Deputy Ibarra. They received a call of Suspect Pelayo acting suspiciously on Durfee Avenue. The call was updated that Suspect Pelayo was throwing rocks

at passing motorists. Deputy [redacted] recalled it took approximately three minutes to respond to the call. When Deputy [redacted] arrived, he saw Suspect Pelayo. Suspect Pelayo's description matched the description in the call. Suspect Pelayo was standing in the middle of the street, and was holding rocks in each hand.

Deputy Ibarra stopped their patrol vehicle approximately fifty feet from Suspect Pelayo. Deputy [redacted] exited the patrol vehicle and began giving commands to Suspect Pelayo to put down the "softball size" rocks. Suspect Pelayo was yelling incoherently at Deputy [redacted] and did not comply with the given orders. Deputy [redacted] believed Suspect Pelayo was under the influence of methamphetamine.

Suspect Pelayo cocked his arm back and threw rocks with high velocity, at deputy personnel. Deputy [redacted] heard and saw the rocks impact a patrol vehicle. Suspect Pelayo subsequently aimed and hit Deputy [redacted] in the right leg with a rock. Deputy [redacted] immediately deployed the less lethal stun bag shotgun. Deputy [redacted] described Suspect Pelayo as combative and assaultive. Deputy [redacted] fired the stun bag and the round struck Suspect Pelayo in the groin area. The round was ineffective and Suspect Pelayo continued to throw rocks a deputy personnel.

Deputy [redacted] reassessed the situation and fired a second stun bag round at Suspect Pelayo. The round struck Suspect Pelayo in the lower extremities, but was ineffective. Deputy [redacted] recalled requesting assisting units and a supervisor during this sequence. After reassessing Suspect Pelayo's demeanor and actions, Deputy [redacted] fired two additional stun bag rounds at Suspect Pelayo. The rounds were ineffective as Suspect Pelayo continued to throw rocks. Deputy [redacted] stun bag shotgun was out of stun bag rounds.

Deputy [redacted] recalled another stun bag shotgun being fired. Deputy [redacted] did not know who the deputy (Deputy Nunez) was and believed he was assigned to another Los Angeles County Sheriff's station. Deputy [redacted] did not know how many stun bag rounds Deputy Nunez fired, nor if they struck Suspect Pelayo. Deputy [redacted] estimated the incident was approximately twenty minutes in length. He also estimated Suspect Pelayo threw over twenty rocks at deputy personnel during the incident. Deputy [redacted] immediately reported his involvement to his supervisor and provided a supplemental report **[EXHIBIT A]**.

## INVOLVED EMPLOYEE DEPUTY JOSEPH NUNEZ #[redacted]

On May 2, 2017, Joseph Nunez was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted at the IAB office. Representing Deputy Nunez during the interview was Attorney Mitchell Kander from the law firm of Green and Shinee. Following is a summary of the interview. For the complete IAB interview, refer to the transcribed interview.

Deputy Nunez was working Temple Station Unit 55. He recalled a priority call for service at Durfee Avenue and Rosemead Boulevard. The call information included Suspect Pelayo throwing large rocks at passing motorist and vehicles. The call was updated and noted Suspect Pelayo had actually hit several vehicles and a person with the large rocks. Deputy Nunez estimated his arrival time as three minutes.

When Deputy Nunez arrived, he saw a unit (Deputy Ibarra and Deputy [redacted]) at the location. Deputy Nunez requested an aero unit to respond to the location. He saw Suspect Pelayo standing in the street. Suspect Pelayo was already throwing rocks with full velocity, as Deputy Nunez parked and exited his patrol vehicle. Deputy Nunez saw one of the rocks strike Deputy [redacted] in the lower portion of his leg. Deputy Nunez also heard rocks hitting patrol vehicles.

After assessing the situation, Deputy Nunez yelled to on-scene deputy personnel, he was deploying his stun bag shotgun. Deputy Nunez yelled, "stun bag stun bag" prior to firing it at Suspect Pelayo, who was actively throwing rocks. Prior to firing the stun bag, Deputy Nunez heard the stun bag fired by Deputy [redacted] and saw the round strike Suspect Pelayo in the groin area. Deputy Nunez saw the round had no effect on Suspect Pelayo, who was transitioning a rock from his left hand to his right, in preparation to throw it. Deputy Nunez then fired a stun bag round and saw the round strike Suspect Pelayo in the left hand.

Suspect Pelayo was unaffected by the round fired by Deputy Nunez. He continued to throw rocks at deputy personnel. Deputy Nunez fired three additional rounds reassessing after each fired round. Deputy Nunez' stun bag was empty after the fourth round. Deputy Nunez believed one round he fired struck Suspect Pelayo in the lower extremities. He also recalled one or two missing Suspect Pelayo. After the stun bag rounds were fired, Suspect Pelayo continued to take aim and throw rocks at deputy personnel.

Sergeant Jensen arrived at the location and a tactical plan was formed. The deputy personnel were given assignments. The team began to tactically approach Suspect Pelayo giving him commands to the drop the rocks and get on the ground. When the team was about twenty yards from Suspect Pelayo, he dropped the rocks and laid on the ground. Suspect Pelayo was handcuffed without incident.

Deputy Nunez estimated the incident was approximately thirty minutes in length. He also estimated Suspect Pelayo threw twenty to thirty rocks at deputy personnel during the incident. Deputy Nunez immediately reported his involvement to his supervisor and provided a supplemental report **[EXHIBIT A]**.

**IAB NOTE: All Los Angeles County Sheriff Department Employees were shown a Google Map printed photograph of the area during their interview [EXHIBIT D]**

## SUSPECT STATEMENT

## SUSPECT ANTONIO PEALAYO

On July 12, 2016, Suspect Pelayo was interviewed by Internal Affairs Bureau Sergeant Benjamin Torres and Sergeant Eric Barron. The interview was conducted at Los Angeles County Sheriff's Department Temple Station. The following is a summary of the interview. For the complete IAB interview, refer to the transcribed interview.

Suspect Pelayo said he was participating in a "Power 106 Rock show." He waked through the El Monte bus station to collect his winnings. The winnings included cars, buildings, businesses and money for his participation. Suspect Pelayo was using the restroom behind a trash dumpster in a park near Rosemead Boulevard. Some guy told him to leave the park. Suspect Pelayo began walking on Rosemead Boulevard in order to win a fifteen mile race, which he won. Because Suspect Pelayo won the race, people driving by him on Rosemead Boulevard were upset.

While walking, a car drove too close to Suspect Pelayo, so he picked up a rock and threw it, hitting the car. Another car drove by, so he threw a rock at that car as well. Suspect Pelayo wanted to give the cars little dents and bruises. Suspect Pelayo was getting physically tired of throwing rocks when he saw the patrol vehicles begin to arrive.

When the deputies approached him, they had guns in their hands. Suspect Pelayo told them to kick back and relax, as he held a rock in his hand. Suspect Pelayo told investigators, when deputies began to close their distance, he started throwing rocks at them. Suspect Pelayo ran from deputy personnel, because he believed they were going to "beat him up." Suspect Pelayo heard and recalled the deputies telling him to put the rocks down. He refused to drop the rocks, because he knew the deputies would approach him. Suspect Pelayo recalled throwing four rocks at deputies. He wanted to hit deputy personnel with the rocks.

After Suspect Pelayo threw rocks, deputies started shooting at him. Suspect Pelayo said the deputies fired twenty one times at him and "like a chicken," he ran. Suspect Pelayo recalled being struck by rounds. He knew he was hit in the hand and in the penis. Suspect Pelayo dodged the other rounds fired at him. Suspect Pelayo still refused to lay down, because he was "playing the game."

Suspect Pelayo subsequently laid down and was handcuffed. Suspect Pelayo recalled talking to a sergeant prior to be taken to the hospital via ambulance. Suspect Pelayo showed IAB sergeants his injuries caused by the stun bag rounds.

**IAB NOTE: The IAB interview of Suspect Pelayo was videotaped [EXHIBIT B].**

## ADDITIONAL INFORMATION

On July 12, 2017, Sergeant Torres spoke with Doctor Rico Wilfr, at Greater El Monte Community Hospital. Doctor Wilfr was uncertain how Suspect Pelayo's left hand was fractured. Doctor Wilfr could not say how the hand was fractured, but only confirm it was fractured. Suspect Pelayo was also treated and released for booking.

**IAB Note: Suspect Pelayo's medical paperwork is attached [EXHIBIT C].**